

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jun 10, 2021**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Moises Marquez Case Number: 0980 1:18CR02013-SAB-1

Address of Offender: Spokane, Washington 99204

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: November 7, 2018

Original Offense: Ct. 3: Bank Robbery, 18 U.S.C. § 2113(a);
Ct. 4: Bank Robbery, 18 U.S.C. § 2113(a);
Ct. 6: Bank Robbery, 18 U.S.C. § 2113(a)

Original Sentence: Prison - 40 months; Type of Supervision: Supervised Release
TSR - 36 months

Asst. U.S. Attorney: Benjamin D. Seal Date Supervision Commenced: November 4, 2020

Defense Attorney: Jeremy B. Sporn Date Supervision Expires: November 3, 2023

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

1 **Special Condition # 4:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: The offender is considered to be in violation of his period of supervised release by failing to comply with chemical dependency treatment on or prior to June 7, 2021.

On November 10, 2020, the offender signed his Amended Judgement in a Criminal Case indicating he understood he was to enter and successfully complete any assessed chemical dependency treatment.

Prob12C

Re: Marquez, Moises**June 9, 2021****Page 2**

On April 27, 2021, the offender completed a substance use disorder assessment with Somerset Counseling Center in Richland, Washington. The offender was assessed as needing intensive outpatient treatment. The offender was scheduled to return for his initial intake appointment on April 29, 2021. The offender failed to report. The appointment was rescheduled to May 6, 2021, and he once again failed to report.

On May 6, 2021, the offender advised his counselor that he had relapsed and was using controlled substances again. The counselor was able to obtain a bed for the offender at Spokane Treatment and Recovery Services (STARS) in Spokane, Washington, on May 10, 2021, after the offender signed an admission form admitting to using methamphetamine and fentanyl. The offender reported to STARS, completed detox and was referred for chemical dependency and mental health treatment at Spokane Addiction Recovery Centers (SPARC) in Spokane.

On June 7, 2021, the offender's treatment counselor with SPARC advised the offender had reported for his initial treatment session on June 3, 2021, a half hour late. He then called SPARC on June 4, 2021, stating he may have COVID-19 and would not be attending treatment. The offender has not contacted SPARC since. The offender is in non-compliance with his treatment.

2

Standard Condition #13: You must follow the instructions of the probation officer related to the conditions of supervision.

Supporting Evidence: The offender is considered to be in violation of his period of supervised release by failing to provide COVID-19 testing paperwork and medical paperwork, noting he was diagnosed with bronchitis on or prior to June 8, 2019.

On November 10, 2020, the offender signed his Amended Judgement in a Criminal Case indicating he understood he must follow the instructions of his probation officer related to conditions of supervision.

On June 3, 2021, the offender contacted Pioneer Human Services (Pioneer), and advised he could not report for his scheduled random drug test due to possibly having COVID-19. Pioneer notified this officer of the reasoning behind the missed drug test and telephone contact was made with the offender. The offender stated he was going to be tested for COVID-19 on June 4, 2021. The offender was directed to supply a copy of his initial COVID-19 test and the results of the test once he received them. The documentation was requested as the offender would not be allowed to enter the testing center at Pioneer until he could show a negative COVID-19 test or show he had quarantined for the appropriate amount of time.

On June 7, 2021, telephone contact was made with the offender regarding the documentation for his COVID-19 test. The offender stated he obtained the test on June 5, 2021. He added he had been diagnosed with bronchitis and was currently at the doctor's office in Spokane obtaining the information on both. The offender was given until 5 p.m. (5 hours) to supply a copy of the COVID-19 and bronchitis information. The offender was advised he could take

Prob12C

Re: Marquez, Moises

June 9, 2021

Page 3

a photo of the documents on his cell phone and text them to this officer. Several hours later, the offender was contacted by an officer with the Prosser Police Department in Prosser, Washington, after a call of a possible person driver under the influence was reported. Prosser is approximately 170 miles from Spokane. To date, the offender has failed to provide a copy of a COVID-19 test date, the results, and results diagnosing him with bronchitis.

- 3 **Special Condition # 19:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: The offender is considered to be in violation of his period of supervised release by using controlled substances, fentanyl and methamphetamine, on or prior to May 10, 2021.

On November 10, 2020, the offender signed his Amended Judgement in a Criminal Case indicating he understood he could not use controlled substances.

On May 10, 2021, the offender reported to the probation office in Richland and signed an admission form indicating last using fentanyl and methamphetamine on May 10, 2021.

- 4 **Special Condition # 19:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: The offender is considered to be in violation of his period of supervised release by failing to report for random drug testing on June 3, 2021.

On November 10, 2020, the offender signed his Amended Judgement in a Criminal Case indicating he understood he must report for random urinalysis testing as directed.

On June 3, 2021, the offender was directed to report for a random drug test at Pioneer Human Services in Spokane. The offender stated he could not report due to possibly having COVID-19. As noted within violation number 2, the offender has not produced any COVID-19 testing information. In addition, the offender admitted on June 8, 2021, his "sickness" was related to his use of fentanyl.

- 5 **Special Condition # 19:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: The offender is considered to be in violation of his period of supervised release by using a controlled substance, fentanyl, on or prior to June 6, 2021.

Prob12C

Re: Marquez, Moises

June 9, 2021

Page 4

On November 10, 2020, the offender signed his Amended Judgement in a Criminal Case indicating he understood he could not use controlled substances.

On June 8, 2021, the offender reported to the probation office in Richland and signed an admission form indicating he last used fentanyl on June 6, 2021.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 9, 2021

s/David L. McCary

David L. McCary
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

6/10/2021

Date